

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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NUWAY Alliance, NUWAY House, Inc.,  
3 Rs NUWAY Counseling Center,  
NUWAY Saint Cloud Counseling Center,  
NUWAY University Counseling Center,  
NUWAY Rochester Counseling Center,  
2118 NUWAY Counseling Center,  
NUWAY Mankato Counseling Center,  
NUWAY Duluth Counseling Center,

Plaintiffs,

v.

Minnesota Department of Human  
Services Temporary Commissioner  
Shireen Gandhi, *in her official capacity*,

Defendant.

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Court File No. 0:25-cv-00492  
(JRT/ECW)

**MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

TO: Defendant Minnesota Department of Human Services Temporary Commissioner  
Shireen Gandhi, in her Official Capacity, 540 Cedar Street, St. Paul, MN 55101.

Plaintiffs NUWAY Alliance, NUWAY House, Inc., 3 Rs NUWAY Counseling  
Center, NUWAY Saint Cloud Counseling Center, NUWAY University Counseling Center,  
NUWAY Rochester Counseling Center, 2118 NUWAY Counseling Center, NUWAY  
Mankato Counseling Center, and NUWAY Duluth Counseling Center hereby move for a  
temporary restraining order and expedited preliminary injunction under Federal Rule of  
Civil Procedure 65.

Plaintiffs request that the motion for a preliminary injunction be handled in an  
expedited manner. However, if Defendant will not or cannot agree to a briefing schedule  
and hearing date that allows the Court to issue an order on an expedited motion or

preliminary injunction by February 21, 2025, Plaintiffs request a temporary restraining order from the Court. The parties will inform the Court of their positions as soon as possible. If the Court proceeds with a temporary restraining order, Plaintiffs request expedited discovery in advance of the hearing on the motion for preliminary injunction.

Plaintiffs move for an order as follows:

1. Withholding Minnesota Health Care Programs payments from NUWAY Alliance, NUWAY House, Inc., 3 Rs NUWAY Counseling Center, NUWAY Saint Cloud Counseling Center, NUWAY University Counseling Center, NUWAY Rochester Counseling Center, 2118 NUWAY Counseling Center, NUWAY Mankato Counseling Center, and NUWAY Duluth Counseling Center (the “NUWAY Entities”) without providing an opportunity for a hearing violates federal and state statute and the NUWAY Entities’ constitutional rights to due process.

2. Minnesota Department of Human Services (“DHS”) Temporary Commissioner Shireen Gandhi, in her official capacity as Commissioner of DHS, must comply with the requirements of 42 C.F.R. § 455.23 and Minn. Stat. § 256B.064 by providing a contested case hearing, as defined in Minn. Stat. § 14.02, subd. 3, including any appeal rights, during which the NUWAY Entities can challenge the Amended Notices of Payment Withhold issued by DHS to the NUWAY Entities on December 5, 2024 (the “Notices”) and related payment withholds.

3. DHS Temporary Commissioner Shireen Gandhi, in her official capacity as Commissioner of DHS, is enjoined from withholding Minnesota Health Care Programs payments for substance use disorder treatment services to Plaintiffs NUWAY Entities as

described in the Notices. This injunction will remain in effect until the final disposition of the above-titled matter or the final disposition of a contested case arising out of the Notices, including any appeals, whichever is later.

This motion is based on Federal Rule of Civil Procedure 65 and is supported by the accompanying Memorandum of Law, supporting declarations, the arguments of counsel, and all the files, records and proceedings herein.

Dated: February 8, 2025

/s/ Manda M. Sertich

Manda M. Sertich (#0504328)

Rachel L. Dougherty (#0399947)

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